

# EXHIBIT A

Adam Ford &lt;aford@fordobrien.com&gt;

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## Notice of Appeal

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Adam Ford &lt;aford@fordobrien.com&gt;

Fri, Apr 11, 2025 at 5:25 PM

To: "Smith, Hunter (CRM)" &lt;David.H.Smith@usdoj.gov&gt;

Cc: Renee Jarusinsky &lt;rjarusinsky@fordobrien.com&gt;, "Sohn, Joshua (CRM)" &lt;Joshua.Sohn@usdoj.gov&gt;, "Tarczynska, Dominika (USANYS)" &lt;Dominika.Tarczynska@usdoj.gov&gt;, "Doud, Rachael (USANYS)" &lt;Rachael.Doud@usdoj.gov&gt;, "Gorman, Lindsay (CRM)" &lt;Lindsay.Gorman@usdoj.gov&gt;, Anjula Prasad &lt;aprasad@fordobrien.com&gt;, "Stephen R. Halpin III" &lt;shalpin@fordobrien.com&gt;

Hunter,

Our clients decline your offer at this time. Mr. Khudainatov is the true and rightful owner of the Amadea. He intends to take all legal and proper steps to regain his vessel including pursuing his appeal rights here, and if appropriate, legal actions in other forums. As such, the government must make clear to any potential purchaser of the Amadea that Millemarin, as the legal title holder of the Amadea, and Mr. Khudainatov, as the vessel's ultimate beneficial owner, will enforce all legal rights they have in any and all foreign jurisdictions.

Moreover, the District Court made findings that Mr. Kochman and Mr. Kerimov (or other members of his family) have possessory/ownership interests in the Amadea. As such, any potential purchaser of the Amadea must also be made aware that the District Court decision in this case gives these individuals the ability to make a claim on the Amadea in other jurisdictions as well. As you know, we do not believe that either Mr. Kochman or any member of the Kerimov family has any claim to the Amadea, as it is owned by our clients. However, the District Court's decision gives them the right to make a claim outside of the United States. Therefore, prospective purchasers of the Amadea should be made aware of all potential claims on the vessel, including those that can be asserted by Mr. Khudainatov/Millemarin as well as Mr. Kochman and/or any member of the Kerimov family.

We will file our letter with the Court and convey the substance of your position.

Adam

On Thu, Apr 10, 2025 at 8:14 PM Smith, Hunter (CRM) &lt;David.H.Smith@usdoj.gov&gt; wrote:

We mean that your clients would renounce claims to the *Amadea*, and not pursue litigation or make claims to it in US court or any other forum. (This would also include signing any documents reasonably necessary to retitle or register the yacht). Thus, if the *Amadea* is sold and then your clients are successful on appeal, their remedy would be as to the net proceeds of the sale, not return of the *Amadea*.

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**From:** Renee Jarusinsky <rjarusinsky@fordobrien.com>**Sent:** Thursday, April 10, 2025 4:37 PM**To:** Smith, Hunter (CRM) <David.H.Smith@usdoj.gov>**Cc:** Adam C. Ford <aford@fordobrien.com>; Sohn, Joshua (CRM) <Joshua.Sohn@usdoj.gov>; Tarczynska, Dominika (USANYS) <Dominika.Tarczynska@usdoj.gov>; Doud, Rachael (USANYS) <Rachael.Doud@usdoj.gov>; Gorman, Lindsay (CRM) <Lindsay.Gorman@usdoj.gov>; Anjula Prasad <aprasad@fordobrien.com>; Stephen R. Halpin III <shalpin@fordobrien.com>**Subject:** Re: [EXTERNAL] Notice of Appeal

Thanks, Hunter. We will bring this back to our client. In the meantime, it would be helpful if you could explain what you mean by having our clients agree to facilitate a sale of the Amadea. What would that entail?

Renée

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On Apr 10, 2025, at 9:13 AM, Smith, Hunter (CRM) <[David.H.Smith@usdoj.gov](mailto:David.H.Smith@usdoj.gov)> wrote:

Adam:

We do not understand the statute you cite to require the government to post an appeal bond, and we decline to do so.

We would, however, consent to a stay of judgment pending appeal if your client posts a bond for the maintenance and storage costs that (a) the USMS has incurred to date; and (b) the USMS anticipates it would incur over the course of an appeal. Such costs are taxable under 28 U.S.C. 1921, and are properly the subject of a bond. *See* Fed. R. App. P. 7 & 8(a)(1)(B); Fed. R. Civ. P. 62(b). If you do not agree, the Government may ask the Court to impose such a bond pending appeal anyhow. We can meet and confer over the appropriate amount of that bond, but the declaration of Jennifer Crane (ECF No. 34) should provide a starting point for estimating the USMS's past and future costs.

As an alternative, the Government would also agree to hold the net proceeds of any sale in escrow pending outcome of the appeal, provided your clients agree to facilitate that sale and to recover from those proceeds if they prevail on appeal. This arrangement—essentially an interlocutory sale pending appeal—would preserve your client's right to the “full value” of the property, while potentially saving both parties maintenance costs.

Let us know if you would like to discuss either of these options. Otherwise, please file your motion and state the Government's opposition.

**D. Hunter Smith**

Trial Attorney, International Unit

MLARS, Criminal Division

U.S. Department of Justice

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**From:** Adam Ford <[aford@fordobrien.com](mailto:aford@fordobrien.com)>  
**Sent:** Wednesday, April 9, 2025 1:44 PM  
**To:** Sohn, Joshua (CRM) <[Joshua.Sohn@usdoj.gov](mailto:Joshua.Sohn@usdoj.gov)>  
**Cc:** Smith, Hunter (CRM) <[David.H.Smith@usdoj.gov](mailto:David.H.Smith@usdoj.gov)>; Renee Jarusinsky <[rjarusinsky@fordobrien.com](mailto:rjarusinsky@fordobrien.com)>; Tarczynska, Dominika (USANYS) <[Dominika.Tarczynska@usdoj.gov](mailto:Dominika.Tarczynska@usdoj.gov)>; Doud, Rachael (USANYS) <[Rachael.Doud@usdoj.gov](mailto:Rachael.Doud@usdoj.gov)>; Gorman, Lindsay (CRM) <[Lindsay.Gorman@usdoj.gov](mailto:Lindsay.Gorman@usdoj.gov)>; Anjula Prasad <[aprasad@fordobrien.com](mailto:aprasad@fordobrien.com)>; Steve Halpin <[shalpin@fordobrien.com](mailto:shalpin@fordobrien.com)>  
**Subject:** Re: [EXTERNAL] Notice of Appeal

Josh,

Thank you. Given your response we will hold off on filing until we hear back from you.

Adam

On Wed, Apr 9, 2025 at 1:36 PM Sohn, Joshua (CRM) <[Joshua.Sohn@usdoj.gov](mailto:Joshua.Sohn@usdoj.gov)> wrote:

Adam,

We will have a response to your email by tomorrow.

Best,

Josh

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**From:** Adam Ford <[aford@fordobrien.com](mailto:aford@fordobrien.com)>  
**Sent:** Wednesday, April 9, 2025 9:35 AM  
**To:** Smith, Hunter (CRM) <[David.H.Smith@usdoj.gov](mailto:David.H.Smith@usdoj.gov)>  
**Cc:** Renee Jarusinsky <[rjarusinsky@fordobrien.com](mailto:rjarusinsky@fordobrien.com)>; Tarczynska, Dominika (USANYS) <[Dominika.Tarczynska@usdoj.gov](mailto:Dominika.Tarczynska@usdoj.gov)>; Doud, Rachael (USANYS) <[Rachael.Doud@usdoj.gov](mailto:Rachael.Doud@usdoj.gov)>; Gorman, Lindsay (CRM) <[Lindsay.Gorman@usdoj.gov](mailto:Lindsay.Gorman@usdoj.gov)>; Sohn, Joshua (CRM) <[Joshua.Sohn@usdoj.gov](mailto:Joshua.Sohn@usdoj.gov)>; Anjula Prasad <[aprasad@fordobrien.com](mailto:aprasad@fordobrien.com)>; Steve Halpin <[shalpin@fordobrien.com](mailto:shalpin@fordobrien.com)>  
**Subject:** [EXTERNAL] Notice of Appeal

Counsel,

As I am sure you saw, yesterday we filed a notice of appeal. Today, we intend to move the district court to enter an order ordering the government to maintain the value of the Amadea during the pendency of the appeal as required under Section 1355(c) of Title 28 (titled, "Fine, penalty or forfeiture") which provides in full:

In any case in which a final order disposing of property in a civil forfeiture action or proceeding is appealed, removal of the property by the prevailing party shall not deprive the court of jurisdiction. *Upon motion of the appealing party, the district court or the court of appeals shall issue any order necessary to preserve the right of the appealing party to the full value of the property at issue*, including a stay of the judgment of the district court pending appeal or requiring the prevailing party to post an appeal bond.

28 U.S.C. § 1355(c) (emphasis added).

Please let us know by 3pm today whether you will consent to this request, either that you will agree to a stay of the judgment pending appeal, or that you will post an appeal bond for the full value of the property.

We are available to meet and confer at any time today if you want to discuss. Thank you.

Adam